

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

JAMES J. LANG)

Case No. 3:09-00036

JUDGE HAYNES

Out 10:30 AM
This motion
is set for
a hearing on
July 8, 2013
at 4:00 pm
file for
USDC
6-20-13

MOTION FOR REVOCATION OR MODIFICATION OF SUPERVISED RELEASE

Comes now the United States, by and through the undersigned, and pursuant to 18 U.S.C. § 3583(e) requests that this Court issue a summons for a hearing on revoking or modifying the conditions of the Defendant's supervised release.

Condition 2 of the Defendant's supervised release, imposed on November 16, 2012, states: "Defendant is to provide educational instruction at a state or federal correctional facility for forty (40) hours a week for thirty-six (36) months." This Court found that Condition 2 was a "type of incarceration" that would "serve as a reminder" to the Defendant of the consequences of recidivism. The Defendant has had over six months to comply, but he has been unable to secure a teaching position in any state or federal correctional facility. Because the condition has proven impracticable, the United States believes revoking or modifying the Defendant's supervised release is reasonable, just, and necessary.

The Defendant's inability to comply with Condition 2 is a violation of supervised release. Therefore, pursuant to 18 U.S.C. § 3583(e)(3), this Court has the authority to revoke the Defendant's term of supervised release and order that he "serve in prison all or part of the term of supervised release." The trial court has broad discretion in revocation proceedings, *see United States v. Lindo*, 52 F.3d 106, 108 (6th Cir. 1995); *see also United States v. Morin*, 889 F.2d 328,